

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	No. 4:16CR176
	§	Judge Mazzant
JAMES MORRIS BALAGIA (3)	§	
a.k.a. "DWI Dude"	§	

**MOTION TO CONTINUE PRE-TRIAL CONFERENCE and**  
**REQUEST FOR A SPECIAL SETTING**

The United States files this Motion to Continue this case from the Court's April 12, 2019 Pre-trial Docket. The United States also requests a special setting for the trial.

**I. Select Procedural Background**

On January 9, 2019, a Federal Grand Jury for the Eastern District of Texas returned a five count Fourth Superseding Indictment against Jaime Balagia (Balagia).

The case was previously designated as a complex case (Doc. 69).

**II. Grounds for Motion**

The lead and only supporting agent in *United States v. Balagia* (FBI SA Jason Rennie) is also the lead agent in *United States v. Thurman Bryant III and Arthur Franz Wammel*. *United States v. Thurman Bryant III and Arthur Franz Wammel* is scheduled for a two week jury trial before Judge Mazzant the weeks of March 25 and April 1, 2019. SA Rennie is critical to the preparation and trial of both cases. The United States requests that the trial in *United States v. Balagia* be specially set for April 22, 2019 or thereafter with the exception of the week of June 10, 2019.

This Motion to Continue is not sought for purpose of delay but rather that justice be done. The United States requests that this Motion for Continuance be granted and this case be re-set after April 22, 2019, with the exception of the week of June 10, 2019.

Respectfully submitted,

JOSEPH D. BROWN  
United States Attorney

\_\_\_\_\_/s/\_\_\_\_\_  
HEATHER RATTAN  
Assistant United States Attorney  
Texas Bar No.16581050  
101 E. Park Blvd., Suite 500  
Plano, Texas 75074  
(972) 509-1201  
(972) 509-1209 (fax)  
Heather.Rattan@usdoj.gov

**CERTIFICATE OF CONFERENCE**

I hereby certify that I have contacted defense counsel. Defense counsel Daphne Silverman responded, "I am not opposed to a continuance. I seek more time than you request under the circumstances of losing co-counsel and his staff. I seek at least a 6 month continuance. Based on other trial settings and securing sufficient time to address the counsel issue, I request a trial setting in October or later. You may state these issues in your motion and you may note that the defendant waives speedy trial for the period of time until October or thereafter to a trial date convenient to the Court and all parties."

\_\_\_\_\_/s/\_\_\_\_\_  
Heather Rattan

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was sent via electronic filing to defense counsel on this the 14th day of March, 2019.

\_\_\_\_\_  
/s/  
Heather Rattan